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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 7

84 ELTON LLC,

Case No.: 18-40038-nhl

Debtor.

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THE ESTATE OF RAFAEL RODRIGUEZ,
GEORGE RODRIGUEZ, and
PULASKI STREET CORP.,

Plaintiffs,

-against-

Index No. 501730/2017

KONITZ I INC.; SHABSI PFEIFFER, individually,
and in his capacity as an officer of Konitz I Inc.;
RODRIGUEZ 319 & 321 CORP.; NAZRUL ISLAM,
individually and in his capacity as an officer of
Rodriguez 319 & 321 Corp.; 84 ELTON LLC;
B & H ASSOCIATES GROUP LLC; and
BERNARD NIEDERMAN, individually and as a
member of 84 Elton LLC and a member of
B & H Associates Group LLC,

Defendants.

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**NOTICE OF REMOVAL OF STATE COURT ACTION TO UNITED STATES
BANKRUPTCY COURT UNDER 28 U.S.C. § 1452 AND RULE 9027(a)
OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE**

84 Elton LLC, debtor and debtor-in-possession ("Debtor"), by and through its proposed
counsel, Rosen, Kantrow & Dillon, PLLC, hereby gives notice and removes to the United States
Bankruptcy Court, Eastern District of New York, under 28 U.S.C. § 1452 and Rule 9027(a) of the
Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule"), the action styled *the Estate of Rafael*

Rodriguez, George Rodriguez, and Pulaski Street Corp., Plaintiffs (“Plaintiffs”) against Konitz I Inc.; Shabsi Pfeiffer, individually, and in his capacity as an officer of Konitz I Inc.; Rodriguez 319 & 321 Corp.; Nazrul Islam, individually and in his capacity as an officer of Rodriguez 319 & 321 Corp.; 84 Elton LLC; B & H Associates Group LLC; and Bernard Niederman, individually and as a member of 84 Elton LLC and a member of B & H Associates Group LLC, Defendants, previously pending in the Supreme Court of the State of New York, Kings County, Index No. 501730/2017 (“Supreme Court Action”), now pending, upon information and belief, in the Surrogate Court of the State of New York, Kings County, File No. 2014-1605/A/B (“Surrogate Court Action”), and respectfully represents as follows:

- 1) On January 3, 2018 (“Filing Date”), Debtor filed a voluntary petition for relief under Chapter 11 of Title 11, United States Code (“Bankruptcy Code”) with the United States Bankruptcy Court, Eastern District of New York (“Court”).
- 2) Feige Neiderman (“Mrs. Neiderman”) is the Operating Manager and minority member of Debtor. Debtor continues to operate its business and manage its property as debtor in possession under Bankruptcy Code Sections 1107(a) and 1108. No trustee, examiner or committee has been appointed in this case. Debtor’s estate is presently administratively solvent.
- 3) Prior to the Filing Date, on or about January 26, 2017, Plaintiffs commenced the State Court Action, against, *inter alia*, Debtor, seeking to avoid the transfer of 321 Pulaski Street, Brooklyn, New York, Block: 1594, Lot: 61 (“Real Property”) from the Estate of Rafael Rodriguez to Rodriguez 319 & 321 Corp., and the subsequent transfer by Rodriguez 319 & 321 Corp. to Debtor, based upon allegations of fraud in the inducement and to cancel the resulting deed transfer, or, in the alternative, for a money judgment for the fair market value of the Real Property. The Summons and Complaint, dated January 26, 2017, filed in the State Court Action by Plaintiff is annexed hereto as Exhibit “A”. Upon information and belief, Debtor timely filed a motion seeking dismissal of the

State Court Action on April 30, 2017. A copy of the Motion to Dismiss, without exhibits, is annexed hereto as Exhibit “B”. Defendant Shabsi Pfeiffer timely filed his answer and counterclaim in the State Court Action, a true copy of which is annexed hereto as Exhibit “C”.

4) On July 19, 2017, in the State Court Action, Justice Wavny Toussaint entered an Order (“Transfer Order”) which “respectfully referred/transferred [the State Court Action] to Surrogates Court, Kings County. This action is directly related to a matter pending in Surrogates Court, under index number 2014-1605.” A copy of the Transfer Order is annexed hereto as Exhibit “D”.

5) The State Court Action relates to, and concerns, property of Debtor’s estate, the administration of the estate, the ability of Debtor to expeditiously liquidate property of Debtor’s estate, and to resolve pending litigation against Debtor’s estate. This Court has jurisdiction over these matter pursuant to 28 U.S.C. §§ 157 and 1334. The State Court Action is an action which may be removed pursuant to 28 U.S.C. § 1452. Upon removal of the State Court Action, the matter will be a core proceeding under 28 U.S.C. §§ 157(b)(2)(A), (B), (K) and (O).

6) This Notice of Removal is timely filed under Bankruptcy Rule 9027(a)(2).

Dated: Huntington, New York
January 17, 2018

Rosen, Kantrow & Dillon, PLLC
Proposed Attorneys for Debtor In Possession

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